

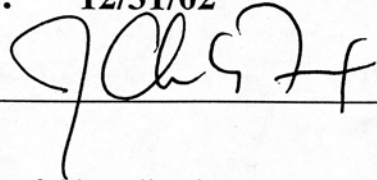
Department of Natural Resources Policy

Subject: External Geospatial Data Distribution Policy

Policy Number: 95:06 (Revised 12/31/02)

Effective Date: 12/31/02

Approved:



Date:

1/2/03

I. Purpose

The purpose of this policy is to ensure that all units of the Department of Natural Resources (DNR) distribute geospatial data to external entities in a consistent manner. It is the intent of the DNR to promote easy access to its geospatial data and, as appropriate, to reduce or eliminate any restrictions on their use. For the purposes of this policy, *geospatial data* are defined as digital files that provide a geographic reference.

II. Scope

This policy applies to all units and employees within DNR and to all digital geospatial data distributed by DNR employees to any entity external to DNR. It does not apply to paper map products, aerial photography or other forms of photography.

This policy is based on the DNR GIS Council's *Review of Existing Policies and Recommendations for Policy Changes*, dated July 17, 2002, as amended.

III. Policy

- A. Beginning with the effective date of this policy, custodians of geospatial data held by DNR shall distribute their data in the "public domain" unless the data should be appropriately withheld from public disclosure, as identified in Section III-D, the DNR Privacy Policy, and are exempt from the Maryland Public Information Act.
- B. For the purposes of this policy, *public domain* means that external entities receiving geospatial data are free of any restrictions on the use or redistribution of these data. Even though the Department still maintains copyright and intellectual interests in the data, it shall not actively assert its copyright privileges to the data, nor shall it require a license agreement for the use of these data by other entities.
- C. To the extent feasible, data custodians shall make their data available through the Department's Internet site. If data must be distributed on physical media (e.g. floppy disk, CD-ROM, DVD) the data custodian may charge for the cost of data distribution according to an established rationale that is approved in writing by the Unit Director under delegation from the Secretary. Data custodians who

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charge fees for distribution of their data products shall adhere to written payment handling procedures approved by Finance and Administrative Services.

- D. Custodians of geospatial data that are properly documented and protected from public disclosure may continue to actively assert the Department's copyright and intellectual rights to their data. They may require the standard DNR Geospatial Data License Agreement for each transaction to assert appropriate controls on the use and redistribution of these data. Reasons for withholding data from the public domain include, but are not limited to, situations where disclosure of the data may 1) jeopardize the security of a sensitive facility, 2) facilitate the planning of a terrorist attack, 3) endanger the life or physical safety of an individual, 4) facilitate locating rare, threatened or endangered species and subject them to undue risks, 5) violate individual privacy concerns, 6) facilitate the alteration of legal documents that would unduly limit the Department's enforcement capabilities, and 7) violate any partnership agreements or licensing restrictions that the Department is obligated to enforce.
- E. All data that are withheld from public disclosure shall have data-specific documentation explaining the rationale for non-disclosure that is approved by the Unit Director under delegation from the Secretary.

IV. Responsibilities

The Chief of Information Technology, in conjunction with the DNR GIS Council, shall implement this policy and review it annually.

All Units of the Department shall adhere to this policy.

Appropriate PPE objectives regarding geospatial data distribution shall be required for all DNR staff that serve as custodians of geospatial data.

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Chief of Information Technology